



Wisconsin Department of Public Instruction  
**INDIVIDUALS WITH DISABILITIES EDUCATION ACT**  
**2r CHARTER SCHOOL ASSURANCES AND CERTIFICATIONS**  
PI-3201 Assurances-2r (Rev. 06-13)  
Section 115.77(4)(L), Wis. Stats.; 34 CFR § 300.200

## I. PROJECT IDENTIFICATION

Name of Local Educational Agency

LEA Code

## II. ASSURANCES

**Allowable Costs:** Costs incurred will be allowable under the principles established in [White House Office of Management and Budget Circular A-87 Cost Principles for State, Local, and Indian Tribal Governments](#). [2 CFR Part 225].

**Budget Modifications:** The grantee will obtain an approved budget amendment when it is anticipated that expenditures for an approved budget summary line will vary significantly from the amount in the current approved budget. A significant variance is an increase of 10 percent of the current total approved budget. When the grantee anticipates transfer of funds allotted for training allowances, the grantee will obtain the prior approval of the Wisconsin Department of Public Instruction (WDPI). [34 CFR § 80.30(c)(1)]. If a grant provides funding for both construction and non-construction activities, the grantee will obtain prior written approval before making any fund or budget transfers from non-construction to construction and vice versa. [34 CFR § 80.30(c)(3)].

**Charter Schools and Their Students:** Children with disabilities who attend independent charter schools and their parents will be accorded all of the rights under IDEA Part B. The independent charter school will ensure that the requirements of IDEA are met [34 CFR § 300.209].

**Compliance with Statutes, Regulations, State Plan, and Applications:**

The grantee will comply with the State Plan and applicable statutes, regulations, and the approved applications, and will use IDEA Part B funds in accordance with them. [34 CFR § 76.700;

<http://sped.dpi.wi.gov/files/sped/pdf/idea-disc-gr-stats-regs.pdf>].

**Consistency with State Policies:** The grantee has in effect policies, procedures, and programs that are consistent with the state policies and procedures established in accordance with 34 CFR §§ 300.101 through 300.163 and 300.165 through 300.174. [34 CFR § 300.201].

**Contracts and Procurement:** The grantee will use its own procurement procedures that reflect applicable state and local laws and regulations, provided the procurements conform to applicable federal law and the standards in 34 CFR § 80.36 Procurement. [34 CFR § 80.36(b)(1)]. [http://sped.dpi.wi.gov/sped\\_grt-procurement](http://sped.dpi.wi.gov/sped_grt-procurement)

**Cooperation with Evaluation:** The grantee will cooperate with the performance of any evaluation of the programs by the WDPI or the U.S. Department of Education or by their contractors. [34 CFR § 75.591, 75.700-75.702].

**Coordinated Early Intervening Services:** The grantee will use not more than 15% of the amount the grantee receives under IDEA Part B, less any amount reduced by the grantee pursuant to 34 CFR 300.205, if any, in combination with other amounts (which may include amounts other than education funds), to develop and implement coordinated, early intervening services (CEIS) for students in kindergarten through grade 12 who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment. If the grantee claims funds through

CEIS under 34 CFR § 300.226, annually the grantee will report to the WDPI the number of children who received academic or behavioral interventions funded with CEIS during the year the funds were expended. IDEA Part B funds will be used to supplement, and not supplant, funds made available under the ESEA for CEIS activities. [34 CFR § 300.226]. [http://sped.dpi.wi.gov/sped\\_ceis](http://sped.dpi.wi.gov/sped_ceis)

**Equipment:** Equipment purchased in whole or in part with grant funds will be managed consistent with the provisions of 34 CFR § 80.32.

**Information for WDPI:** The grantee will provide the WDPI with information necessary to carry out its duties under IDEA Part B, including, with respect to §§ 300.157 and 300.160, information relating to the performance of children with disabilities participating in programs carried out under IDEA Part B. [34 CFR § 300.211].

**Maintenance of Effort:** Except as provided in 34 CFR §§ 300.204 and 300.205, funds provided to the grantee will not be used to reduce the level of expenditures for the education of children with disabilities made by the grantee from local funds below the level of those expenditures for the preceding fiscal year. [34 CFR § 300.203] [http://sped.dpi.wi.gov/sped\\_grt-moe](http://sped.dpi.wi.gov/sped_grt-moe).

**OMB Standard Form 424B:** The grantee will comply with all applicable assurances in OMB Standard Forms 424B (Assurances for Non-Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood insurance; environmental standards; wild and scenic river systems; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all applicable federal laws, executive orders and regulations. <http://www2.ed.gov/programs/8003/assurancesf424b.pdf>.

**Personnel Development:** The grantee will ensure all personnel necessary to carry out the IDEA Part B are appropriately and adequately prepared, subject to 34 CFR § 300.156, *Personnel qualifications* and § 2122 of the ESEA. [34 CFR § 300.207]. Staff must be appropriately licensed, including those hired after the third Friday in September and not reported in the *Fall Staffing Report* (PI-1202).

**Policies and Procedures Remain in Effect:** Policies and procedures submitted to the WDPI by the grantee in accordance with IDEA Part B will remain in effect until the grantee submits to WDPI the modifications the WDPI or the grantee determines necessary. [34 CFR § 300.220].

**Programmatic Changes:** The grantee will obtain the prior approval of the WDPI through the budget approval process whenever any of the following actions is anticipated: (1) Any revision of the scope or objectives of the project; (2) Need to extend period of availability; (3) Changes in key persons where specified in the application or grant award; (4) Contracting out or otherwise obtaining services of a third party to perform activities central to the purpose of the award. [34 CFR § 80.30(d)].

## II. ASSURANCES (cont'd.)

**Public Information:** The grantee will make available to parents of children with disabilities and to the general public all documents relating to the eligibility of the grantee under IDEA Part B. [34 CFR § 300.212].

**Purchase of Instructional Materials:** If the grantee chooses to coordinate with the National Instructional Materials Center (NIMAC), when purchasing instructional materials, the grantee will acquire those instructional materials in the same manner as the WDPI, and subject to the conditions under 34 CFR § 300.172 and the procedures set forth in the Guidance for Using Accessible Instructional Materials (AIM). If the grantee chooses not to coordinate with the NIMAC, the grantee has provided an assurance to the WDPI that the grantee will provide instructional materials to blind persons or other persons with print disabilities in a timely manner. [34 CFR § 300.210].

**Records Regarding Migratory Children with Disabilities:** The grantee will cooperate in the efforts under § 1308 of the Elementary and Secondary Education Act to ensure the linkage of records pertaining to migratory children with disabilities for the purpose of electronically exchanging, among the states, health and educational information regarding those children. [34 CFR § 300.213].

**Record Retention:** The grantee will comply with the requirements of 34 CFR 80.42, *Retention and access requirements for records*. The Grantee will ensure records relating to the grant are maintained for a period of at least three years after the end of the project year, consistent with the grantee's record retention policy. If any litigation, claim, negotiation, audit or other action involving the records starts before the end of the period, the records will be retained until completion of the action and resolution of all issues. [34 CFR § 80.36(i)(11)].

**Reporting:** The grantee will ensure all required financial and program data is reported to the WDPI timely on a schedule established by the WDPI. The grantee will report to WDPI using the accounts in the Wisconsin Uniform Financial Accounting Requirements (WUFAR). [34 CFR § 76.702] The grantee will ensure all required financial and program data is reported to the WDPI timely on a schedule established by the WDPI. Financial claims will be submitted quarterly on a schedule established by the WDPI and within 30 days of the end of the reporting period. Final financial claims will be submitted within 90 days of the end of the project year. All financial claims will be submitted through the WDPI's Special Education Web Portal at <https://www2.dpi.state.wi.us/seportal/Pages/SignIn.aspx>. [34 CFR § 76.722].

**School-wide Programs Under Title I of the ESEA:** If the grantee uses grant funds to carry out a school-wide program under section 1114 of the ESEA, the amount used will not exceed the amount received by the grantee divided by the number of children with disabilities in the grantee's jurisdiction and multiplied by the number of children with disabilities participating in the school-wide program. The grantee will consider the funds as federal IDEA Part B funds for the calculations required for the excess cost requirement at 34 CFR §§ 300.202(a)(2) and (a)(3). When using IDEA Part B funds for school-wide programs, the grantee will meet all of the requirements of the IDEA Part B with the exception of 34 CFR § 300.202(a)(1). [34 CFR § 300.206].

**Sub-Recipient Monitoring:** The grantee will cooperate with the WDPI to discharge WDPI's sub-recipient monitoring responsibilities to ensure IDEA Part B awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements and performance goals are achieved. [OMB A-133 § 400(d)(3)].

[http://www.whitehouse.gov/omb/circulars/a133\\_compliance\\_supplement\\_2\\_012](http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2_012).

**Text Messaging and E-Mailing While Driving:** The grantee and their grant personnel are prohibited from text messaging while driving a government-owned vehicle, or while driving their own privately owned vehicle during official grant business, or from using government supplied electronic equipment to text message or e-mail when driving. [Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009;

<http://www.gpo.gov/fdsys/pkg/FR-2009-10-06/pdf/E9-24203.pdf>].

**Time and Effort Reporting:** Where employees are expected to work solely on a single federal award or cost objective, charges for their salaries and wages will be supported by periodic certifications that the employees worked solely on that program for the period covered by the certification. These certifications will be prepared at least semi annually and will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee. Where employees work on multiple activities or cost objectives, a distribution of their salaries or wages will be supported by personnel activity reports or equivalent documentation. [OMB Circular A-87, Attachment B, § 8.h.3 & 4; 2 CFR Part 225, Appendix B;

[http://www.whitehouse.gov/omb/circulars\\_a087\\_2004](http://www.whitehouse.gov/omb/circulars_a087_2004);  
[http://sped.dpi.wi.gov/sped\\_grant-time-effort](http://sped.dpi.wi.gov/sped_grant-time-effort).

**Trafficking in Persons:** The requirements in the Code of Federal Regulations at 2 CFR Part 175 are incorporated into this grant. The grant condition specified in 2 CFR § 175.15(b) is incorporated into this grant with the following changes. Paragraphs a.2.ii.B. and b.2.ii. are revised to read as follows: (1) "a.2.ii.B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85;" (2) "b.2.ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 34 CFR part 85." This grant may be terminated without penalty for any violation of these provisions by the grantee, its employees or its subrecipients. [2 CFR § 175.10].

**Use of Amounts:** The grantee will expend funds provided under this grant in accordance with applicable provisions of the IDEA Part B only to pay the excess costs of providing special education and related services to children with disabilities. IDEA Part B funds will be used to supplement state, local, and other federal funds and not to supplant those funds. [34 CFR § 300.202].

<http://sped.dpi.wi.gov/files/sped/pdf/idea-allowables.pdf>

## III. CERTIFICATION

**I CERTIFY** the local educational agency will operate throughout the periods of grant awards consistent with IDEA Part B and the assurances in Section II. Further, I certify that:

- I have made a good faith effort to ascertain the completeness and accuracy of the information and representations made in this application;
- to the best of my knowledge, all such information and representations are complete and accurate;
- I have been authorized by the local educational agency to make the assurances in Section II and apply for funds under IDEA Part B on its behalf;
- programs and services for which monies are being sought will be administered by or under the supervision of the local educational agency; and
- the local educational agency maintains documentation of its compliance with all applicable statutes, rules, and regulations.

Name of Agency Administrator

Title of Individual Signing

Signature

Date Signed Mo./Day/Yr.

➤ Electronically Signed

**IV. CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY, AND VOLUNTARY EXCLUSION**  
Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.110, *Participants' responsibilities*. The regulations were published as Part VII of the May 26, 1988, *Federal Register* (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to whom this proposal is submitted.

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant will attach an explanation to this document.

Name of Agency Administrator

Title of Individual Signing

Signature

➤ Electronically Signed

Date Signed *Mo./Day/Yr.*

**INSTRUCTIONS FOR PART IV**

By signing and submitting this proposal, the perspective lower tier participant is providing the certification set out below.

1. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
2. The prospective lower tier participant will provide immediate written notice to the person to whom this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
3. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
4. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it will not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
5. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
6. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (202-786-0688).
7. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
8. Except for transactions authorized under paragraph 4 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## V. CERTIFICATION REGARDING LOBBYING

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned states, to the best of his or her knowledge and belief, that:

(1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

### Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Agency Administrator

Title of Individual Signing

Signature

Date Signed *Mo./Day/Yr.*

➤ Electronically Signed

	<b>VI. LEA ASSESSMENTS</b>	
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**If the LEA administers district-wide assessments, all students, with and without disabilities, participate.**

Name of Agency Administrator	Title of Individual Signing
Signature ➤ Electronically Signed	Date Signed (Mo./Day/Yr.)

	<b>VII. SPECIAL EDUCATION POLICIES AND PROCEDURES AND SPECIAL EDUCATION FORMS</b>	
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**Modifications to Policies, Procedures and Forms: Annual Assurance**

Previously, my LEA submitted an assurance to the Department of Public Instruction (DPI) that the LEA adopted the model special education policies and procedures and forms developed by DPI or submitted its own locally developed special education policies and procedures and forms for DPI review.

As part of the department's general supervisory duties, DPI requires LEAs to submit for review subsequent substantive modifications to their policies and procedures and to their forms. Substantive modifications include rewording of the content, the elimination of content, or the addition of content. Examples of changes that are not substantive include changes in form format and changes to demographic information, public agency name or logos. LEAs that use vendor forms must carefully review those forms for compliance and submit substantive modifications for DPI review. Please review the DPI sample special education policies and procedures, and sample forms at [http://sped.dpi.wi.gov/sped\\_form\\_int](http://sped.dpi.wi.gov/sped_form_int).

When my LEA substantively modifies special education policies and procedures or forms, I will identify how the documents differ from the DPI model policies and procedures or forms by flagging such changes and send to:

Wisconsin Department of Public Instruction  
 Special Education Team – Policies & Procedures  
 P.O. BOX 7841  
 Madison, WI 53707-7841

Name of Agency Administrator	Title of Individual Signing
Signature ➤ Electronically Signed	Date Signed Mo./Day/Yr.